



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,332	02/13/2001	Keiichi Iwamura	35.G2740	9055

5514 7590 01/06/2006

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/781,332	Applicant(s) IWAMURA, KEIICHI	
	Examiner FIRMN BACKER	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-34,36-42 and 44-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-34,36-42 and 44-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-9, 11-34, 36-42, and 44-64 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-9, 11-34, 36-42, and 44-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benton et al (U.S. Patent No. 4,926,325) in view of Saito (U.S. Patent No. 6,182,218).
4. As per claims 1, 6, 9, 14, 17-19, 34, 39, 42, 47, 50 and 57 Benton et al teach an image processing apparatus comprising: user information storing means for storing user information of a seller or a buyer of the image processing apparatus and multiplexing means for multiplexing the user information to an output image wherein the user information of the seller or the buyer of the image processing is obtained and stored in the storing means when the image processing apparatus is sold through a network (*see the summary of the invention, column 2 line 42-4 line 62*). Benton et al fail to teach a system/method wherein the user information multiplexed to the

Art Unit: 3621

output image in not visible in the output image. However, Saito teaches a system/method wherein the user information multiplexed to the output image in not visible in the output image (*see abstract, summary of the invention, column 15 lines 15-65 and claim 5*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Benton et al's invention to include Saito's system/method wherein the user information multiplexed to the output image in not visible in the output image because this would have provided a system/method wherein checking can be facilitated when an electronic fingerprint of the user's public-key is used as the information on the user.

5. As per claim 3, 11, Benton et al teach an image processing apparatus further comprising information setting means for setting a predetermined information related to the seller or the buyer of the image processing apparatus; wherein the multiplexing means for multiplexing the predetermined information to an output image (*see the summary of the invention, column 2 line 42-4 line 62*).

6. As per claim 4, 7, 12, 15, 36, 40, 45, 48, Benton et al teach an image processing apparatus wherein the predetermined information is a public key certification (*see the summary of the invention, column 2 line 42-4 line 62*)

7. As per claim 5, 8, 13, 16, 37, 41, 46, 49, Benton et al teach an image processing apparatus wherein the predetermined information is information to specify a objective use on a database (*see the summary of the invention, column 2 line 42-4 line 62*).

8. As per claim 20, 27, 51, 58, Benton et al teach an image processing apparatus wherein the user information includes a public key certification or the account number of the buyer or the information of the buyer's credit card (*see the summary of the invention, column 2 line 42-4 line 62*).

9. As per claim 21, 28, 52, 59, Benton et al teach an image processing apparatus wherein the user information includes information of the seller or information of date of sale or information selling the image processing apparatus (*see the summary of the invention, column 2 line 42-4 line 62*).

10. As per claim 22, 29, 53, 60, Benton et al teach an image processing apparatus wherein the user information is stored according as a driver of the image processing apparatus is downloaded or is installed (*see the summary of the invention, column 2 line 42-4 line 62*).

11. As per claim 23, 30, 54, 61, Benton et al teach an image processing apparatus wherein the multiplexing is performed by using digital watermark (*see the summary of the invention, column 2 line 42-4 line 62*).

12. As per claim 24, 25, 31, 32, 55, 56, 62, 63, Benton et al teach a method wherein the digital watermark is added in a spatial area of the output image in a frequency area of the output image (*see the summary of the invention, column 2 line 42-4 line 62*).

13. As per claim 33, 64, Benton et al teach a method wherein the image processing product includes a personal computer or a scanner or an image processing software (*see the summary of the invention, column 2 line 42-4 line 62*).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

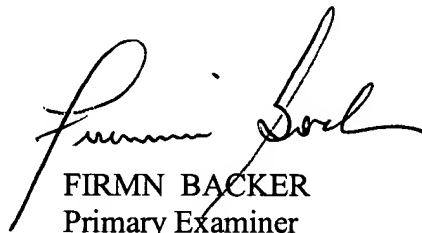
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **FIRMIN BACKER** whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

Art Unit: 3621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



FIRMIN BACKER
Primary Examiner
Art Unit 3621

January 3, 2006